

REMARKS

Claims 1-16 of the subject application are currently pending. In the Office Action mailed April 23, 2004, the Examiner rejected claims 1-9, and 14, and objected to claims 10-13, 15, and 16.

In particular, the Examiner rejected claims 1, 2, 4, 5-7, and 14 under 35 USC § 102(e) as being anticipated by Goodwin-Johansson (US Patent No. 6,456,420).

Applicant, however, respectfully disagrees with the Examiner in this regard, on the ground that Goodwin-Johansson does not teach all limitations of claim 1. In referring to the disclosure of Goodwin-Johansson, at column 12 lines 5-65, it will be seen that the MEMS apparatus of Goodwin-Johansson is built in a sequential fashion. For example, first a layer 60 is deposited on a substrate 12, whereafter the layer 60 is patterned to form the trench 62. Thereafter, an electrode layer 30 is deposited on the layer 60, and an insulating layer 32 is deposited on the electrode layer 30. Next, a release layer 64 is deposited on the layer 32 and is patterned by removal of material in the region 66, etc. Based on the foregoing, it will be seen that fabrication of the MEMS device of Goodwin-Johansson does not begin with a precursor film stack. Instead, a manufacturing technique is used, in which a layer is deposited and patterned, e.g., by the removal of material, before a next layer is deposited. Thus, Goodwin-Johansson does not teach processing a prefabricated thin film stack to define the MEMS device, as recited in claim 1. Accordingly, it is respectfully submitted that Goodwin-Johansson does not anticipate claim 1.

Given that claims 2 and 3 depend on claim 1, it is respectfully submitted that Goodwin-Johansson does not anticipate these claims.

Regarding claim 4, this claim recites a precursor film stack. Since the layers in the film stack disclosed in Goodwin-Johansson are patterned immediately after deposition as described above, the Examiner will concede that Goodwin-Johansson does not teach forming a precursor film stack. As such, it is respectfully submitted that Goodwin-Johansson does not anticipate

claim 4. Given that claims 5-16 depend on claim 4, it is respectfully submitted that these claims are also not anticipated by Goodwin-Johansson.

Regarding claims 3, 8, and 9, the Examiner contends that these claims are unpatentable under 35 USC § 103(a) in view of the combination of Goodwin-Johansson, and Doan et. al. (US 2004/0035821). In particular, the Examiner relies on Doan to teach the processing operations of etching, patterning, and deposition. The Examiner also relies on Doan to teach that the sacrificial material is etchable using a xenon difluoride gas, and that the sacrificial material is selected from the group consisting of silicon, molybdenum, and tungsten.

In response to the Examiner's rejection of claims 3, 8, and 9 under 35 USC § 103(a), Applicant argues that the combination of Goodwin-Johansson and Doan does not teach or suggest all limitations of claims 3, 8, and 9 since the combination does not teach or suggest processing a prefabricated thin film stack, or a precursor film stack, which are limitations of claims 3, and 8-9, respectively.

On account of the foregoing, it is respectfully submitted that claims 3, and 8-9 are not anticipated or rendered obvious by the combination of Goodwin-Johansson, and Doan.

In view of the foregoing, it is respectfully submitted that all pending claims are in condition for allowance, which Action is earnestly solicited.

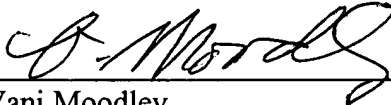
It is respectfully submitted that in view of the amendments and remarks set forth herein, all rejections have been overcome. All pending claims are now in condition for allowance, which is earnestly solicited.

Authorization is hereby given to charge our Deposit Account 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such an extension.

Respectfully submitted,

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Limited Recognition Under 37 CFR § 10.9(b)

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